

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ANDREW R. PERRONG

Plaintiff

v.

BRIEF CALL INC.

ET AL.

Defendants.

Case No. 1:22-cv-04128-PGG-SN

JURY TRIAL DEMANDED

REQUEST FOR CLERK’S ENTRY OF DEFAULT AGAINST DEFENDANT
BRIEF CALL INC

COMES NOW Plaintiff Andrew R. Perrong, pursuant to Fed. R. Civ. P. 55(a), and hereby files this Request for Clerk’s Entry of Default against Defendant Brief Call Inc. in the above-styled action. Mr. Perrong respectfully requests that the Clerk of Court enter default as the Defendant has failed to serve or file an answer to Plaintiff’s claims in this action within the time permitted by law or otherwise.

Federal Rule of Civil Procedure 12(a), entitled “Time to Serve a Responsive Pleading,” provides in pertinent part that “[a] defendant must serve an answer within 21 days after being served with the summons and complaint.” FED. R. CIV. P. 1(a)(1)(A)(i). Federal Rule of Civil Procedure 55(a), entitled “Entering a Default,” provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk *must* enter the party’s default.” FED. R. CIV. P. 1(a)(1)(A)(i) (emphasis added).

Here, the Plaintiff filed his Complaint on May 19, 2022. (See ECF No. 1.) The Court ordered the Defendant to reply to Plaintiff's Complaint "no later than September 7, 2022". (See ECF No. 16.) Defendant did not file a response as of September 8, 2022, despite its answer being due on September 7, 2022. Accordingly, the Plaintiff requests that the Clerk enter the Defendant's default pursuant to FED. R. CIV. P. 55(a).

CONCLUSION

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against the Defendant Brief Call Inc. pursuant to FED. R. CIV. P. 55(a).

Dated: **September 8, 2022**

_____/s/_____
Andrew R. Perrong
Plaintiff Pro-Se
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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2022 I filed the foregoing with the Clerk of the Court electronically via the email address Temporary_Pro_Se_Filing@nysd.uscourts.gov.

_____/s/_____
Andrew R. Perrong